



Agenda Bill 2018-06-18-06

Date: June 18, 2018
To: Russell Axelrod, Mayor
Members, West Linn City Council
From: Jennifer Arnold, Associate Planner JA
Through: John R. Williams, Community Development Director *JRW*
Eileen Stein, City Manager *ES*
Subject: Annexation of 2.35 Acres at 22864 Weatherhill Road (ANX-18-01)

Purpose:

The owners of property at 22864 Weatherhill Road are requesting annexation to the City of West Linn.

Question(s) for Council:

Step 1: Land Use Decision

1. Does the application for 22864 Weatherhill Road meet the annexation criteria in CDC Chapter 81 for approval of the land use decision?

Step 2: Policy Decision

1. Does the Council wish to hold an advisory vote for this annexation?
2. Does the Council wish to annex the property at 22864 Weatherhill Road?

Public Hearing Required: Yes.

Background & Discussion:

Li Wei of the Law Offices of Li Wei, P.C. and Hsiao Chun Chiang are requesting annexation of their 2.35 acre property at 22864 Weatherhill Road. If annexed, the applicants request a zoning designation of R-7. The applicable approval criteria for this application are located in Community Development Code (CDC) Chapter 81, which refers to the Metro Code, West Linn Municipal Code (WLMC), and Oregon Revised Statutes.

The property is one of several county "islands," located one-quarter mile inside the Urban Growth Boundary (UGB). The neighborhood is substantially built out with single family homes. If annexed, the property is proposed to have a zoning designation of R-7 consistent with the zoning of the majority of directly adjacent properties. The property has been included in all of the City's adopted long-range facility and capital improvement plans. All necessary utilities are available to serve the property. In summary, staff finds that the application meets all of the land use criteria required for approval.

Annexations go through a two-step process. Both steps can be done at the same hearing date. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the

intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will designate a zone for the property in step one.

Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. During step two, the policy decision, the Council, in its discretion, may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote. At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

Budget Impact:

The annexation would bring the property onto the City tax rolls and make it subject to City fees and assessments.

Council Options:

Step 1: Land Use Decision

1. Approve the land use application for annexation with an R-7 zoning designation.
2. Deny the land use application for annexation and end consideration of annexing this property.

Step 2: Policy Decision

1. Approve the annexation of 22864 Weatherhill Road.
2. Decline to annex this property.
3. Consider a resolution placing the annexation on a ballot for an advisory vote.

Staff Recommendation:

Step 1: Land Use Decision

Staff recommends the Council approve the land use application for annexation with an R-7 zoning designation.

Step 2: Policy Decision

Staff recommends the Council approve annexation of 22864 Weatherhill Road into the City and the Tri-City Service District and the withdrawal from the Clackamas County Enhanced Law Enforcement District.

Potential Motions:

Step 1: Land Use Decision

I move to approve/deny the annexation of 2.35 acres of real property at 22864 Weatherhill Road (Land Use Case Number: ANX-18-01)

I move to approve First Reading for Ordinance 1679, "An Ordinance Establishing the Zoning Designation as R-7 upon Annexation of the Property Located at 22864 Weatherhill Road," and set the matter for Second Reading.

If approved unanimously, please complete Second Reading.

I move to approve Second Reading for Ordinance 1679, "An Ordinance Establishing the Zoning Designation as R-7 upon Annexation of the Property Located at 22864 Weatherhill Road," and adopt the ordinance.

Step 2: Policy Decision

I move to approve/deny the annexation of 2.35 acres of real property at 22864 Weatherhill Road with a zone of R-7 into the City and the Tri-City Service District and withdrawal from the Clackamas County Enhanced Law Enforcement District.

- a. If approved, move to adopt Ordinance 1680.

I move to approve First Reading for Ordinance 1680, "An Ordinance Approving the Annexation of Real Property Located at 22864 Weatherhill Road; Removing the Property from Special Districts; and Adding the Property to Special Districts," and set the matter for Second Reading.

If approved unanimously, please complete Second Reading.

I move to approve Second Reading for Ordinance 1680, "An Ordinance Approving the Annexation of Real Property Located at 22864 Weatherhill Road; Removing the Property from Special Districts; and Adding the Property to Special Districts," and adopt the ordinance.

Attachments:

- Ordinance 1679 – Approving annexation of Property
- Ordinance 1680 – Approving annexation and designating a zone for the Property
- Staff Report

ORDINANCE NO.1679

AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION AS R-7 UPON ANNEXATION OF THE PROPERTY LOCATED AT 22864 WEATHERHILL ROAD

WHEREAS, the 2.35 acres of real property at 22864 Weatherhill Road, West Linn, Oregon ("Property"), and further described in Exhibit A, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the Applicant sought annexation of the Property into West Linn, Oregon, with a designation of R-7; and

WHEREAS, the West Linn Comprehensive Plan contemplates the annexation of the Property and designates it as low density residential; and

WHEREAS, the West Linn City Council approved Step 1, the land use decision to annex the real property; and

WHEREAS, the addition of property to the City requires modifying the Zoning Map, which must be done by ordinance; and

WHEREAS, the City Council may choose not to annex the Property during Step 2, the policy decision regarding the proposed annexation, negating the need for this Ordinance to become effective.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Zoning designation and map amendment. The Property shall be zoned R-7, single-family residential detached. The Zoning Map shall be amended to include the Property within the City limits and depict the Property with an R-7 zoning designation, as shown on Exhibit B, which is attached and incorporated by this reference.

SECTION 2. Effective Date. This ordinance shall only take effect on the 30th day after the passage of Ordinance (step 1) 1679 approving the annexation of the Property.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 18th day of June, 2018, and duly PASSED and ADOPTED this _____ day of _____, 2018.

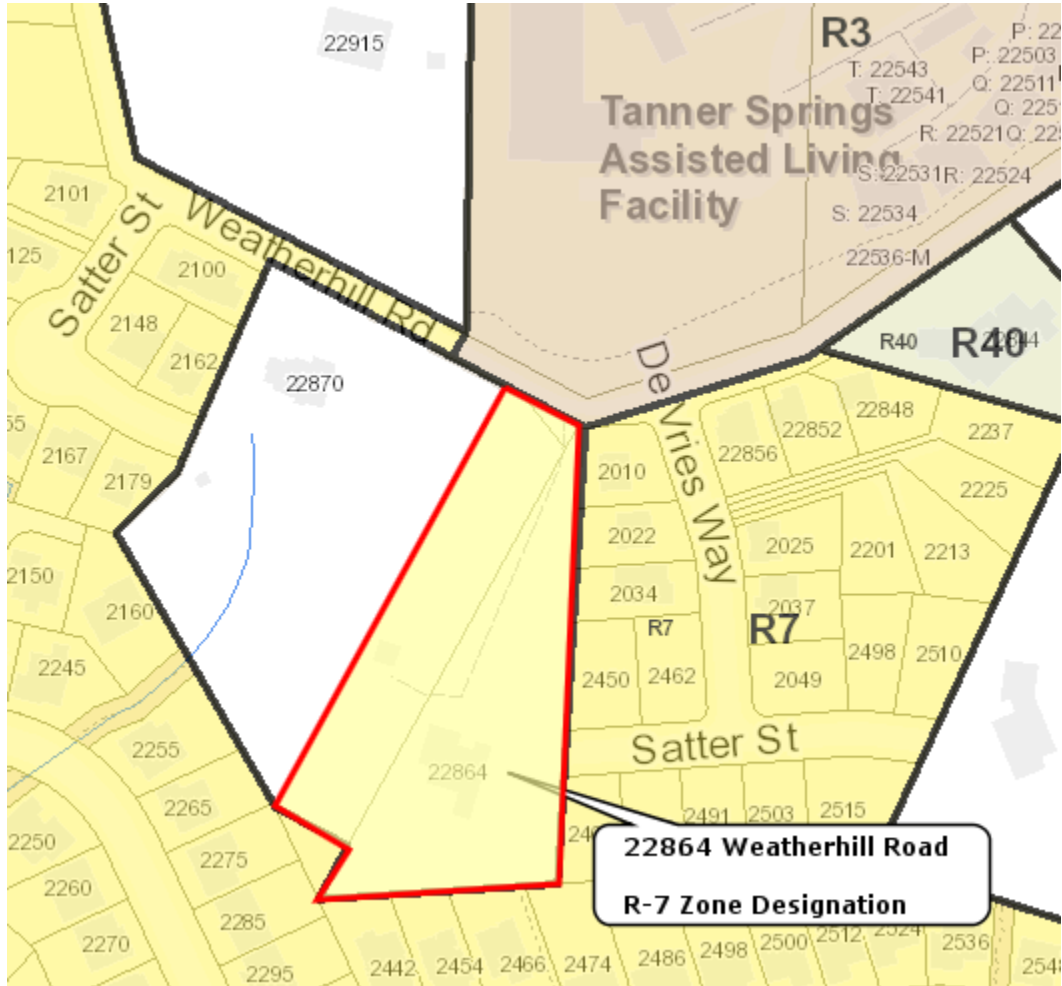
RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



ORDINANCE NO. 1680

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 22864 WEATHERHILL ROAD; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 2.35 acres of real property at 22864 Weatherhill Road are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the Applicant sought annexation of the property into West Linn, Oregon, with a designation of R-7; and

WHEREAS, Ordinance 1679 zones the property R-7, single-family residential detached and amends the Zoning Map upon passage of this Ordinance; and

WHEREAS, the City of West Linn public facility plans anticipate annexation of this area and can accommodate serving this property;

WHEREAS, the West Linn City Council approved Step 1, the land use decision to annex the real property; and

WHEREAS, the West Linn City Council approved Step 2, the policy decision; and

WHEREAS, annexation of the property into the City will allow it to be served by the Tri-City Service District, which provides sewer service to all properties connected to the public sewer system in the City; and

WHEREAS, annexation of the property into the City will result in the West Linn Police Department providing law enforcement services, eliminating the need for Clackamas County Enhanced Law Enforcement District to serve the annexed property.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Annexation. The City approves the annexation of the property located at 22864 Weatherhill Road ("Property") and further described in Exhibit A, which is attached and incorporated by this reference.

SECTION 2. Annexation to Tri-City Service District. The City requests and approves of the annexation of the Property into the Tri-City Service District.

SECTION 3. Removal from Law Enforcement District. The City requests and approves of the removal of the Property from the Clackamas County Enhanced Law Enforcement District.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance

are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 18th day of June, 2018, and duly PASSED and ADOPTED this day _____ of _____, 2018.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



CITY OF
West Linn
PLANNING AND DEVELOPMENT

**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: ANX-18-01

HEARING DATE: June 18, 2018

REQUEST: Annexation (Expedited Decision) of 2.35 acres at 22864 Weatherhill Road

APPROVAL CRITERIA: Community Development Code (CDC) 81.050- 81.055, West Linn Municipal Code (WLMC) 2.920-2.930 and Metro Code 3.09.045 and 3.09.050(D)

STAFF REPORT PREPARED BY: Jennifer Arnold, Associate Planner

Planning Manager's Initials JB

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GENERAL INFORMATION

OWNERS: Li Wei & Li Li
22864 Weatherhill Road
West Linn, OR 97068

APPLICANT: Law Office of Li Wei, P.C.
7059 SE Powell BLVD
Portland, OR 97206

SITE LOCATION: 22864 Weatherhill Road

DESCRIPTION: The site is identified as Assessor’s Map:
2S 1E 35AB tax lot 8500
2S 1E 35 B tax lot 0403
2S 1E 35 B tax lot 0401

SITE SIZE: 2.35 acres (102,366 square feet)

PROPOSED ZONING

DESIGNATION: R-7 (Single family residential detached and attached, 7,000 square foot minimum lot size)

COUNTY ZONING: FU-10 (Future Urbanizable 10 acre district (County))

COMPREHENSIVE PLAN

DESIGNATION: Low Density Residential

PUBLIC NOTICE: Per ORS 197.763(2) (a) (A), notice was mailed on May 24, 2018 to satisfy the 20 day notice to all property owners within 500 feet (ORS only requires 100 feet), the Savanna Heights Neighborhood Association, DLCD, and all “Necessary Parties” as defined by Metro Code 3.09.020 (J).

The affidavit of notice (Exhibit CC-1) validates that the notice requirements of Metro Code, CDC, WLMC and Oregon State statutes have been met.

PROCESS: Annexations go through a two-step process. At Council Discretion, both steps can be completed on the same hearing date. Step one is a land use decision, as outlined in WLMC 2.920, and determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan, CDC Chapter 81 and Metro Code 3.09. Step one

includes Council assignment a zoning designation for the property at this time.

Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. During step two, the policy decision, the Council, in its discretion, may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

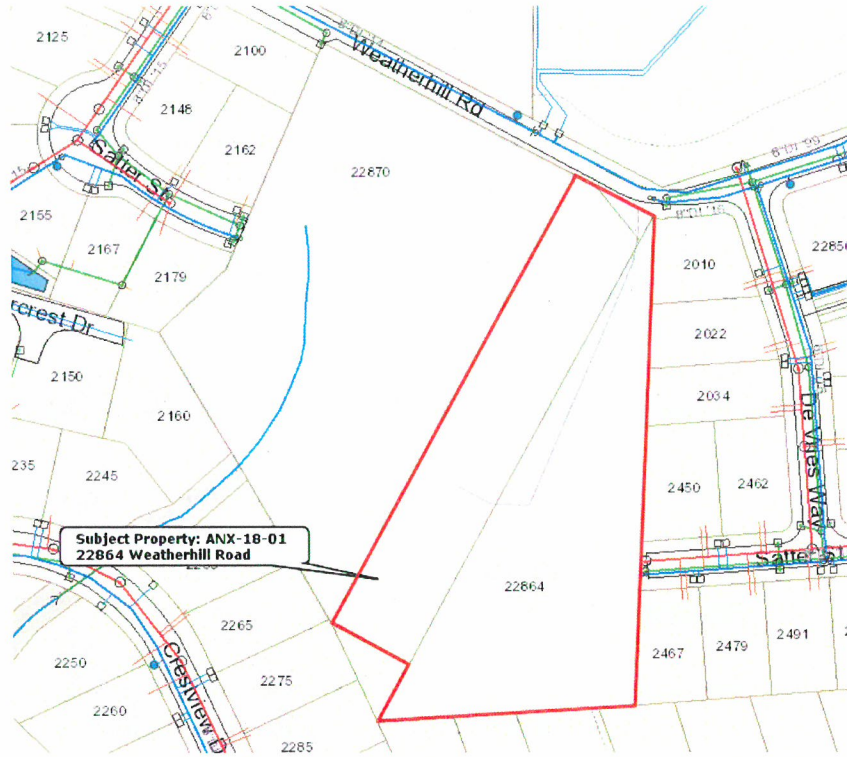
The Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the step one process.

EXECUTIVE SUMMARY

This is a hearing to consider the request for annexation of 22864 Weatherhill Road. The step one process will be evaluated on the June 18th public hearing. The applicant has requested a zoning designation of R-7. The applicable approval criteria are located in Community Development Code (CDC) Chapter 81, which refer to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes. The property is one of several that form an "island" surrounded by the City. The property is located within the Urban Growth Boundary (UGB), is suitable for development, and can be serviced with utilities.

If the annexation is approved, the annexation approval will annex the property into the Tri-City Service District and remove from the Clackamas County Enhanced Law Enforcement District.

Council has the option to complete Step 2 at the June 18th hearing. If Council chooses to have separate hearings, a date must be selected for that action.



BACKGROUND

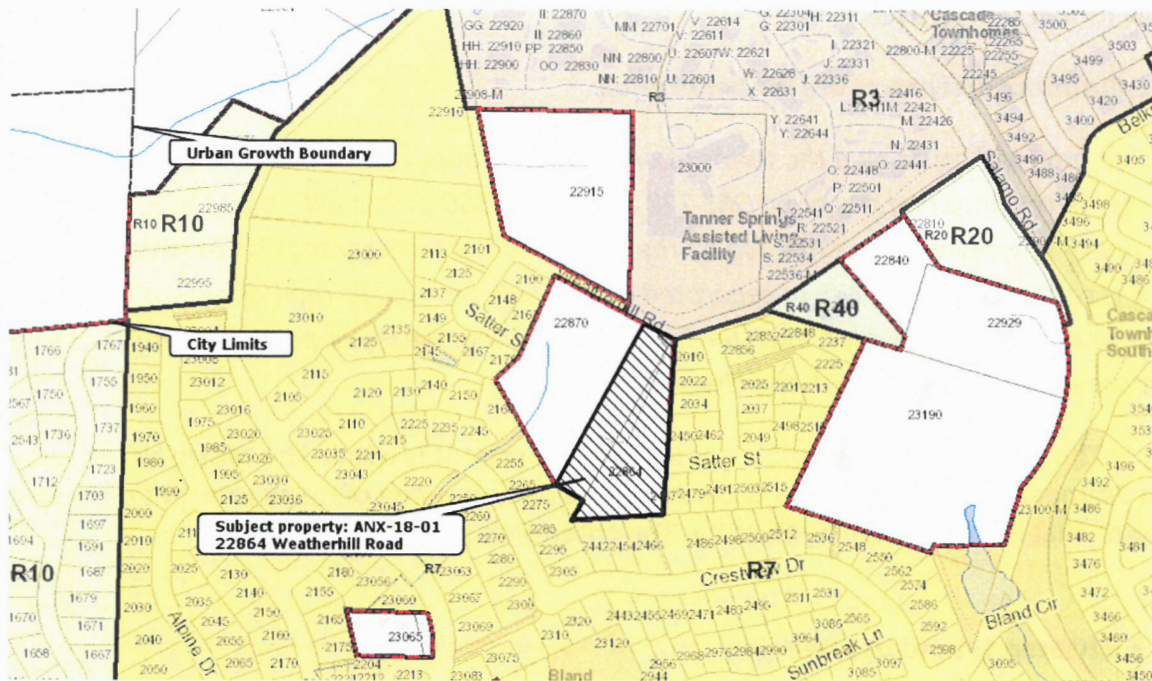
Existing Land Uses: The area proposed to be annexed comprises 2.35 acres. The property is one single lot of record owned by Hsiao Chun Chiang. The property is a roughly a quarter mile inside the UGB and the City limits line. There is an existing single family home on the property with numerous accessory buildings.

Natural Features: Site characteristics include an average 10 percent slope from the property’s high point of approximately 634 feet at the north or front of the property down to an elevation of approximately 576 feet at the southwest corner of the property.

Zoning: The property has a Comprehensive Plan designation of “Low Density Residential” and, if annexed, the property could receive an R-7 zoning district designation per the applicant’s request. The R-7 zone is a “Single–family residential detached and attached” district with a 7,000 square foot minimum lot size. The property is adjacent to R-3 and surrounded on three sides by R-7. This supports the applicant’s requested designation.

Direction	Current Zone	Current Use
Zoning to the North	R-3 (3,000 sq. ft. lot minimum)	Tanner Springs Assisted Living & Apartments
Zoning to the South	R-7 (7,000 sq. ft. lot minimum)	Single- Family Residential

Zoning to the East	R-7 (7,000 sq. ft. lot minimum)	Single- Family Residential
Zoning to the West	FU-10 (Clackamas County – Not Annexed)	Single Family Residential



Utilities: Water service is located within Weatherhill Road and Satter Street ROWs. Public sewer and storm water lines are located within Satter Street ROW abutting the eastern property line.

Public comments:

No public comments have been received as of the publication of this Staff Report.

RECOMMENDATION

Staff recommends approval of the Step One “Land Use Decision” and Step Two “Policy Decision” by Ordinances (attached) to annex the property at 22864 Weatherhill Road and establish an R-7 zone designation per the applicant’s request.

**ADDENDUM
APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS**

STEP ONE: "LAND USE DECISION"

OREGON REVISED STATUTES

222.111 Authority and procedure for annexation.

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

Finding 1: The property is appropriate for annexation since it is within the Metro Urban Growth Boundary, the City's Urban Growth Boundary, and is one of many lots that represent an "island" that is surrounded by the City. The criterion is met.

WLMC 2.920 Step 1: Land Use Decision

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81.

Finding 2: The application has been correctly initiated per ORS 222.111 by owners of real property in the territory to be annexed. Review pursuant to CDC Chapter 81 is discussed below.

METRO CODE

Metro 3.09.040 Requirements for Petitions

A. *A petition for a boundary change must contain the following information:*

...

4. *For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.*

Finding 3: Pursuant to ORS 222.125, the applicant submitted certificates of consent to the annexation signed by 100 percent of the owners and electors (Li Wei & Li Li) within the

property proposed to be annexed. These certificates have been reviewed and validated by the County Assessor's Office. The criterion is met.

Metro 3.09.045 EXPEDITED DECISIONS

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.*
- B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.*

Finding 4: The subject property qualifies for an expedited decision since 100 percent of the property owners and electors have provided certificates of written consent regarding the annexation (Li Wei & Li Li).

Notice requirements (including 20 days' notice) have been satisfied (see Affidavit of Notice (Exhibit CC-1)). Pursuant to Council Guidance, for notice of annexations notice was sent to property owners within a 500 foot radius, DLCD and all "necessary parties". The criteria are met for the expedited decision process.

Metro 3.09.045 (C). At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

- 1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;*
- 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
- 3. The proposed effective date of the boundary change.*

Finding 5: This staff report was available for public review at least seven days prior to the scheduled Council hearing date. This staff report addresses urban services in Finding 6. An approved annexation would require the withdrawal of the property from the Clackamas County Enhanced Law Enforcement District. The effective date of the boundary change is to be determined by Council. This criteria is met.

Metro 3.09.045 (D). To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
 - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
 - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - e. Any applicable comprehensive plan;
 - f. Any applicable concept plan; and
2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provision of public facilities and services;
 - b. Affect the quality and quantity of urban services; and
 - c. Eliminate or avoid unnecessary duplication of facilities or services.

Finding 6: The property is within the City’s adopted Urban Growth Boundary (UGB) which is acknowledged and approved by Metro and the State of Oregon. The UGB is recognized as the means of identifying lands that are appropriate and serviceable for annexation. The City’s Comprehensive Plan designates this property to be developed as “Low Density Residential” which allows R-7 to R-40 zones.

Regarding “Public Facility plans”, staff finds that the City’s water, sewer, and surface water management (master) plans and the Transportation System Plan (TSP) anticipated annexation, development and service of this property.

Regarding “applicable Comprehensive Plan” policies, Policy 7(a) in Goal 2: Land Use Planning (Residential Development) calls for “low density residential” zoning in “Areas with limited capacity for development because of existing facilities such as sewer, water and drainage and/or development limitations due to topography, soil characteristics, drainage, high water table, and flooding.” With no infrastructure limitations and few site constraints, the R-7 zone, is appropriate for the site.

Goal 10: Housing and Policy 2 encourages the development of various housing types, including single family homes. The R-7 zone designation would facilitate that.

Regarding “*promot(ing) the timely, orderly and economic provision of public facilities and services... the quality and quantity of urban services*”, Public sewer and storm water lines are located within Satter Street ROW abutting the eastern property line. No upgrade in capacity is needed to serve this property.

Satter Street stubs out at the east edge of this property and is expected to eventually connect with Salamo Road, per the 2016 Transportation System Plan (TSP) (“*Recommended Local Street Connectivity Projects*” Figure 12), at such time that property is developed.

Regarding the “*...Economic provision of public facilities and services...*”, staff finds that the applicant currently uses City streets, parks and other services but does not pay City taxes. By annexing to the City, the applicant’s taxes will contribute to those public facilities and services.

Regarding “*...avoiding the unnecessary duplication of facilities or services...*”, annexing the property will eliminate the need for Clackamas County Sheriff’s officers having to respond to calls well within the City limits where City of West Linn Police are better positioned to provide coverage. The criteria is met.

Metro 3.09.045 (E). A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Finding 7: Regarding Metro 3.09.045 (E), staff finds that the property lies inside the Urban Growth Boundary. The criteria is met.

CDC CHAPTER 81, BOUNDARY CHANGES

CDC 81.050 APPROVAL CRITERIA

The Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

Finding 8: Metro Code Section 3.09.050(D) criteria states that “To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045”. Staff finds that 3.09.045 (D) and (E) have been addressed above in Finding 6 and 7. The criteria is met.

CDC 81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a zoning designation. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Low Density Residential	R-40, R-20, R-15, R-10 or R-7
Medium Density Residential	R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI
Other	FU-10

Finding 9: The Comprehensive Plan designation for this property and surrounding properties (east, west, and south) is “Low Density Residential”, which permits R-7 to R-40 zones. The property to the north has the Comprehensive Plan designation as “Medium High Density Residential” and allows R-3 to R-2.1 zones. The proposed zone designation is consistent with R-7 zoning of adjacent residential development to the west, south and east which represents the majority of the property perimeter. The criterion is met.

CDC 81.055 (cont.) Where the Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:

- A. *Specific site characteristics such as topography, drainage, and existing vegetation.*
- B. *The existing zoning and development patterns of surrounding properties.*
- C. *The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site.*

Finding 10: Site characteristics include an average 10 percent slope from the property’s high point of approximately 634 feet at the north or front of the property down to an elevation of approximately 576 feet at the southwest corner of the property.

Zoning patterns were addressed in Finding 9. The “development pattern” finds surrounding properties to the south and west are fully built out with single family homes within long established subdivisions (see table below). The property to the east was approved for a 22 lot subdivision and all 22 homes are fully constructed. The property to the west has not been annexed (ANX-18-02) and is occupied by one single family home. The property to the

northwest is occupied by one single family home. The property to the northeast is occupied by an assisted living facility.

Direction	Zoning	Land Use
West	Not yet annexed FU-10 (Clackamas County)	Single family home (ANX-18-02)
East	R-7	Single family homes
North	Not yet annexed FU-10 (Clackamas County) & R-3	Single family home, Tanner Springs Assisted Living Facility, & Cascade Summit Apartments
South	R-7	Single family homes

Utilities have been addressed in Finding 6.

The criteria is met.

STEP TWO: "LEGISLATIVE/POLICY DECISION"

WLMC 2.930 (2) Policy Decision

(2) *If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:*

- (a) *General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;*
- (b) *Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;*
- (c) *Cost to City of infrastructure that is not funded by SDCs; and*
- (d) *Tax implications for the City.*

Finding 11: The criteria of WLMC 2.930 (2) (a) has been addressed and pursuant to Findings 6, 9 and 10.

Regarding the impact on the school district, staff concurs with the findings in the applicant's submittal found in Exhibit CC-3 and reprinted below:

(School District) "...The applicant/owner of the, subject site has contacted Tim Woodley, Director of Department of Operation, who kindly confirmed that if this property is annexed into City of West Linn with R-7 zoning, " there would be no impact on the schools since we already provide education services to this county parcel." Again, R-7 assignment is requested by the applicant/owner."

Regarding the impact on infrastructure costs and tax implications, see staff findings below:

(Infrastructure Costs) Current infrastructure is in place to serve this property without any upgrades. Utilities and a road are stubbed out on the east property line to serve future development.

(Tax Implications) The annexation would bring the property onto the City tax rolls and subject to City fees and assessments. The City would also collect these fees and tax dollars for any additional development of this property in the future.

The criteria is met.

CC-1 AFFIDAVIT OF NOTICE AND MAILING PACKET

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. AD18-18-01 Applicant's Name Li Wei
Development Name _____
Scheduled Meeting/Decision Date 6-18-18

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 5-24-18 (signed) J. Shroyer
- B. Affected property owners (date) 5-24-18 (signed) J. Shroyer
- C. School District/Board (date) 5-24-18 (signed) J. Shroyer
- D. Other affected gov't. agencies (date) 5-24-18 (signed) J. Shroyer
- E. Affected neighborhood assns. (date) 5-24-18 (AU) (signed) J. Shroyer
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 6-7-18 ; 6-14-18 (signed) J. Shroyer
City's website (posted date) 5-24-18 (signed) J. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) June 1, 2018 (signed) Jenil Auld

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 5-31-18 (signed) Jenil Auld

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
CITY COUNCIL
PUBLIC HEARING NOTICE**

ANNEXATION OF 2.35 ACRES AT 22864 Weatherhill Road

FILE NO. ANX-18-01

The West Linn City Council is meeting on **Monday, June 18, 2018**, starting at 6:30 p.m. in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR), to consider an annexation request for a 2.35 acre parcel at 22864 Weatherhill Road. The applicant is requesting an R-7 zone designation, single family residential with a 7,000 square foot minimum lot size. The area is identified by Clackamas County as assessor's map 2S 1E 35AB tax lot 8500; 2S 1E 35B tax lot 0403 & 2S 1E 35B tax lot 0401. The decision will be based on the criteria of Community Development Code (CDC), Chapter 81, West Linn Municipal Code 2.920-2.930 and Metro Code 3.09.045 and 3.09.050(D). The approval criteria from the CDC and Municipal Code are available for review at City Hall, at the City Library, and at <http://www.codepublishing.com/OR/WestLinn/CDC.html>. Metro Code "LOCAL GOVERNMENT BOUNDARY CHANGES" may be found at https://www.oregonmetro.gov/sites/default/files/2014/06/05/309_eff_071112_final.pdf. This annexation petition is subject to the expedited process unless a "necessary party" gives written notice of its objection to the boundary change. A "necessary party" is defined as any county, city, district, or unit of local government that includes any part of the affected territory: 1) in its jurisdictional boundary or adopted urban service area; or 2) in any agreement providing an urban service. All "Necessary parties" have been noticed.

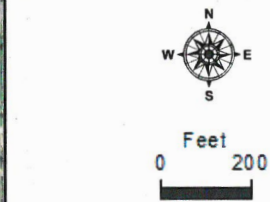
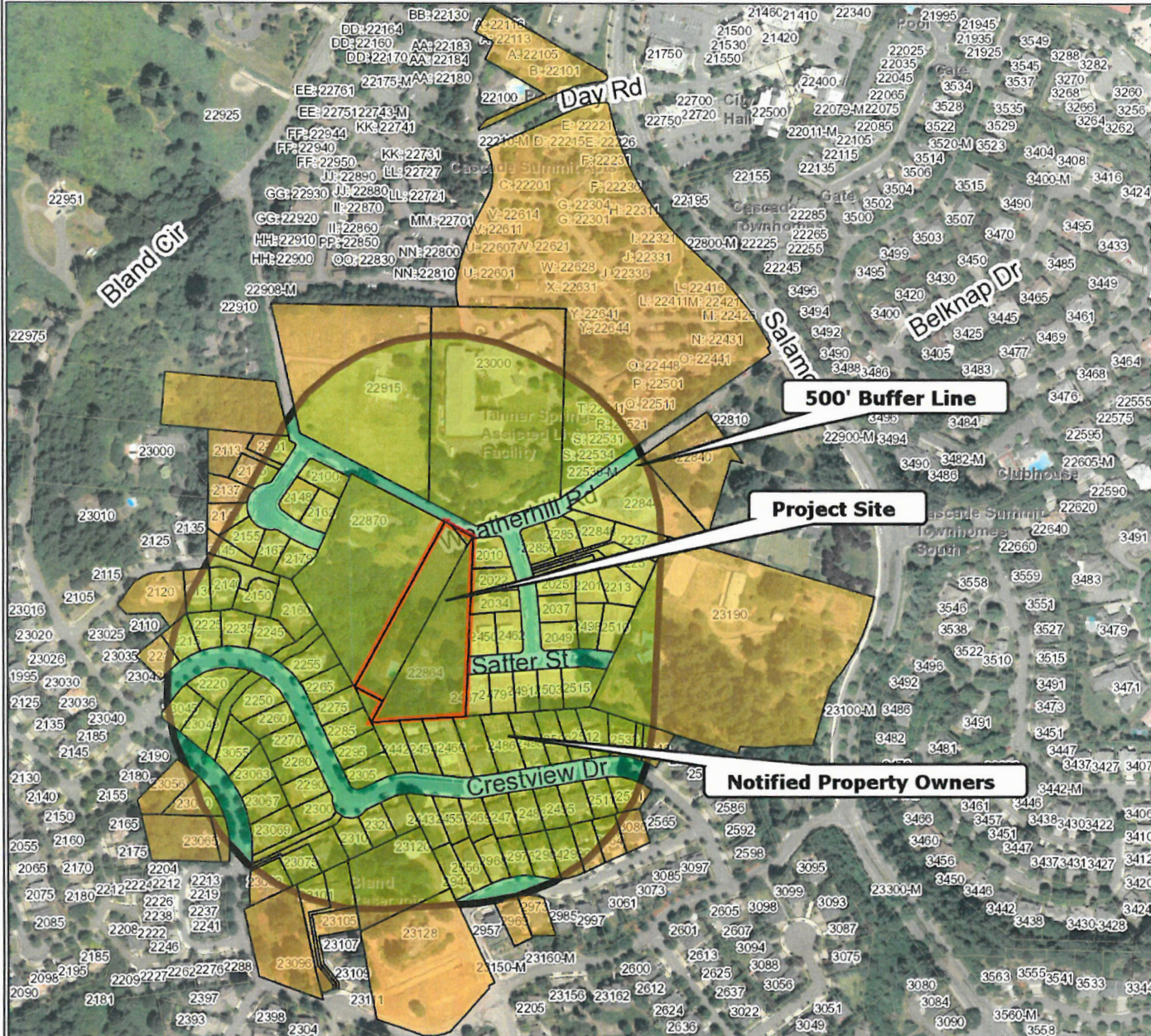
Annexations go through a two-step hearing process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will assign a zone for the property. At the conclusion of step one, the Council may, in its discretion: 1) decide to set a public hearing for the annexation request (step two), 2) delay a public hearing on the requested annexation or 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. Both Step 1 and Step 2 can occur on the same night.

The annexation application is available for inspection at City Hall or via the web site at <https://westlinnoregon.gov/planning/22864-weatherhill-road-annexation-235-acres>. Copies of the annexation application can be obtained for a minimal charge per page. At least 10 days prior to the City Council meeting, a copy of the staff report will be available for inspection at no cost. For further information, please contact Jennifer Arnold at 503-742-6057 or at jarnold@westlinnoregon.gov

Failure to raise an issue in person or by letter at some point prior to the close of the meeting, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the appellant body with jurisdiction based on that issue.

22864 Weatherhill Road - Notification Map



Scale 1:4,800 - 1 in = 400 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 21-May-18 10:01 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF West Linn

CITY OF WEST LINN NOTICE OF UPCOMING CITY COUNCIL PUBLIC HEARING

**PROJECT # ANX-18-01
MAIL: 5/24/18 TIDINGS: 6/7/18 & 6/14/18**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

CC-2 COMPLETENESS LETTER



CITY OF
West Linn

March 9, 2018

Law Office of Li Wei, P.C.
7059 SE Powell BLVD
Portland, OR 90206

SUBJECT: Application for Annexation of real property at 22864 Weatherhill Road (ANX-18-01)

Dear Li Wei:

You submitted this application on January 31, 2018. The City finds that this application is **complete**.

We are determining, with our City Council, the best date to schedule your application for a public hearing. You will receive notice of the actual hearing date. Due to the fact that this is a legislative action, the 120-day rule does not apply.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Arnold".

Jennifer Arnold
Associate Planner

CC-3 APPLICANT'S SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT NO(S). <i>ANX-18-01</i>	
NON-REFUNDABLE FEE(S) <i>17,000</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>17,000</i>

Type of Review (Please check all that apply):

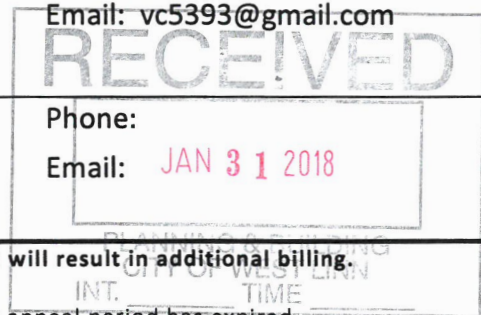
- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: 22864 WEATHERHILL ROAD	Assessor's Map No.: attached
	Tax Lot(s): attached
	Total Land Area: 2.35 Acres

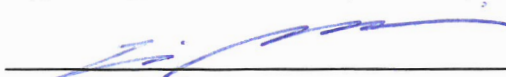
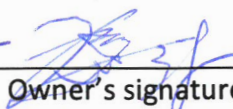
Brief Description of Proposal: ANNEXATION INTO THE CITY OF WEST LINN

Applicant Name: LAW OFFICE OF LI WEI, P.C. <small>(please print)</small>	Phone: 503-775-2720
Address: 7059 SE POWELL BLVD	Email: liwei@lawofficeofliwei.com
City State Zip: PORTLAND, OR 97206	
Owner Name (required): HSIAO CHUN CHIANG <small>(please print)</small>	Phone: 503 349-5337
Address: 22864 WEATHERHILL ROAD	Email: vc5393@gmail.com
City State Zip: WEST LINN, OR 97068	
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email: JAN 31 2018
City State Zip:	



1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
 2. The owner/applicant or their representative should be present at all public hearings.
 3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
 4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.
- * No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

	<i>1/29/2018</i>		<i>1/10/2018</i>
Applicant's signature	Date	Owner's signature (required)	Date

ANNEXATION APPLICATION

FOR

22864 WEATHERHILL ROAD, WEST LINN, OR 97068

Property Information*:

Site Address: 22864 Weatherhill Road, West Linn, Oregon 97068

Tax Lots: Tax Lot 8500 (Parcel I, Map No.: 21E35AB)
Tax Lot 401 (Parcel not numbered, Map No.: 21E35B)
Tax Lot 403 (parcel II, Map: 21E35B)

Site total Acreage: approximately 2.35 acre (102,620 square feet)

Neighborhood: Savana Oaks

*Note, this property also includes Tax Lot 493, Parcel III and IV, Map No. 21E35B, which, according to the city's record, was historically annexed. The estimated total acreage per county record for these two parcels is 0.06 acre. Thus, the total acreage of the subject property is approximately 2.41 acre. See attached map and legal description provided by Compass, which was based upon county certified legal descriptions, also attached.

Owner: Hsiao Chun Chiang
22864 S Weatherhill Road, West Linn, OR 97068
Tel: 503-349-5337
Email: vc5393@gmail.com

Applicant/Owner's Representative: Law Office of Li Wei, P.C.
7059 SE Powell Blvd, Portland, OR 97206
Tel: 503-775-2720; 503-871-9533
Email: liweil@lawofficeofliweil.com

Approval Criteria to be Considered:
for the Subject Site: CDC 81.040, 050 and 051;
West Linn Municipal Code 2.915 to 2.930;
Metro Code 3.09.040 and 3.09.050
CDE 105.050 (for zone assignment)

Narrative:

This application is for the annexation of the subject area into City of West Linn (hereinafter, “the City”). The owner of the property has authorized and signed this application to be submitted to the city for consideration. This property is entirely within the limits of the Urban Growth Boundary and the City limits. The owner of the property also has made known its intention at the Pre-Application Conference, and is asking the City in this application to assign R-7 zone for the subject area, which will be a fair match for the nearby zoning and in compliance with the City’s Comprehensive Plan.

Further, upon reviewing the City’s applicable Comprehensive Plan, the applicant/owner of this annexation application finds that the subject site, given the requested R-7 zone assignment, fits well to the Plan, therefore, no changes to this Plan will be raised in this application, or for the future development step.

Therefore, this is an approvable Annexation Application.

Request for the City’s Action on Owner’s Behalf:

The applicant/owner of the subject site acknowledges that, as a result of annexing the subject site to the City, the subject site will simultaneously be annexed to the Tri-City Service District and withdrawn from Clackamas County Enhanced Law Enforcement District and others related Services. The applicant/owner of the subject site respectfully asks the City to take necessary steps whenever and whatever necessary on behalf of the Applicant/Owner in these regards.

Request for the City’s Waiver of an Advisory Vote:

The Applicant/Owner also respectfully requests that an advisory vote for this annexation application be waived to reasonably save the City’s precious financial and human resource, in consideration of the following facts and factors:

- 1) the subject site is, together with the adjacent piece land to the East of the subject site, sits almost at the center of the City Limit, or in other words, the said area jointly is an entirely isolated rural island within the City Limits;
- 2) the subject site will follow the City’s Comprehensive Plan for R-7 zone with no changes asked;

(3) the public services and their capacity are readily calculated for and available to the subject site;

(4) by annexing the subject site, the subject site will generate more real estate tax income to the City, in addition, the owner of the subject site will then pay for having the public services connected to the subject site, hence contribute to the costs of making such public services available to the subject site;

(5) the results of the most recent advisory votes for such applications shows a pattern of prevailing support of the citizens of the City for similar annexation applications;

(6) it is truly in the best interest of the City to annex the subject site as a result of the above facts; and

(7) all required and necessary public notices will be given and public inputs will be assured through the required process that will be discussed in detail below.

The following are additional and detailed *responses* to the above listed approval criteria of applicable codes per City's request, and in the order of such request.

81.040 COMMUNITY DEVELOPEMTN CODE SECTION (Hereinafter "Code")

A. A PETITION to annex into City of West Linn may be initiated by a property owner of the area to be annexed.

Response: condition met. The property owner initiated the annexation application per procedures prescribed by the City.

B. A PRE-APPLICATION conference shall be held prior to submitting an application

Response: condition met. A pre-application conference was held on January 4, 2018.

C. A PETITION to annex shall include the completed petition form and three copies of the following:

- 1. Compliance with Metro Code Section 3.09.040**
- 2. A narrative addressing Code Section 2.920 and Metro Code Section 3.09.50(d) and (e), if applicable.**

3. Vicinity, legal and other maps necessary to show compliance with Code Section 2.920 and Metro Code 3.09.040.

Response: condition met. The required materials and information are provided with the application.

D. A PETITION to any type of boundary change, other than annexation shall be processed as provided by State law and Metro Code Chapter 3.09.

Response: Not applicable. This application is for annexation.

E. THE APPLICANT shall pay the requisite fee.

Response: Condition met. The application fee is submitted together with the application.

81.050 APPROVAL CRITERIA

The City Council shall approve or deny a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D)

Response: condition met. See following detailed responses to each of the criteria. Please see also below for detailed response to criteria of Metro Code Section 3.09.050 (D)

81.055 ZONING DESIGNATION

1. A decision on annexation shall also incorporate a decision on a zone change. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The city zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

Comprehensive Plan/land Use Designation	Assigned Zoning District
Low Density residential	R-40, R-20, R-15, R-10 or R-7

Response: condition met. The adjacent properties within the City Limit and to the East and South of the subject site are all zoned R-7, as defined by the Comprehensive Plan. And the designation of R-7 for the subject site matches well the existing zoning for the adjacent properties, and was contemplated by the City's Comprehensive Plan.

2. Where the City Council has discretion to apply a zoning, the Council shall consider the following factors in making its decision:

A. Specific site characteristics such as topography, drainage, and existing vegetation.

Response: condition met. The subject site is well suited for development of the parcels for R-7 zoning, as it generally is fairly flat, the drainage can be easily accommodated, and the vegetation is sparse and does not pose any concerns in this regard.

B. The existing zoning and development patterns of surrounding properties.

Response: condition met. The subject site is adjacent to the developed R-7 zoned properties to the south and east. The R-3 zone property to the north of the subject site across the S Weatherhill Road is not consistent with the City's Comprehensive Plan for the subject site, therefore will not be followed.

C. The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site.

Response: condition met. The properties adjacent to the subject site, both to the east, north and south are all developed with City provided services that has the designed capacity to serve the subject site. Public sanitary sewer, storm and water lines are located at east and north (Weatherhill Road) of the property, and a regional drainage system is adjacent to the south of the subject site as well.

West Linn Municipal Code

2.915 Annexation Purpose Statement.

(1) The purpose of Sections 2.915 to 2.940 is to establish a two-step process for annexation applications. The first step is a land use decision. The second step is a policy decision by the City Council to determine if the annexation should be approved. The Step 1 and Step 2 decisions can occur at the same meeting. An annexation to the City shall not be effective unless it is approved by the City Council at its discretion and by Metro pursuant to its authority regarding annexations within its boundaries.

Response: condition met. The applicant/owner of the subject site has reviewed the section and is fully aware of the process prescribed in the above section.

(2) The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- (a) Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;
- (b) Maximize citizen involvement in the annexation review process; and
- (c) Provide information to the public concerning the physical, environmental, financial and related social effects of annexation.

Response: condition met. The applicant/owner of the subject site has reviewed above section and has met this provision by providing the City required information and analysis in this application.

2.920 Step 1: Land Use Decision.

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.

Response: condition met. The annexation application for the subject site has been initiated and the application follows the land use designation of applicable CDC. The applicant/owner of the subject site is aware of and following the proper procedures.

2.930 Step 2: Policy Decision.

(1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.

(2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:

- (a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;
- (b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;
- (c) Cost to City of infrastructure that is not funded by SDCs; and
- (d) Tax implications for the City.

As part of the Step 1 process, the applicant shall provide to the Planning Director the information required above at the applicant's cost.

(3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.

(4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.

(5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

(6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.

Response: condition met. Applicant/Owner has reviewed this section, and has fully understood and will cooperate fully with the City with regard to the proper procedures.

Special Response to 2.930(2)(b): condition met. The applicant/owner of the subject site has contacted Tim Woodley, Director of Department of Operation, who kindly confirmed that if this property is annexed into City of West Linn with R-7 zoning, "there would be no impact on the schools since we already provide education services to this county parcel." Again, R-7 assignment is requested by the applicant/owner.

Metro Code 3.09.040 Requirements for Petitions

(a) A PETITION for a boundary change must contain the following information:

- 1. The jurisdiction of the reviewing entity to act on the petition;**
- 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;**
- 3. For minor boundary changes, the names and mailing address of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk and**

4. **For boundary changes under ORS 198.855(3), ORS 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.**

Response: conditions met. This annexation application meets all of the relevant and applicable Metro Code requirements.

- (b) **A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.**

Response: condition met. The required fee has been paid upon submitting this application.

Metro Code 3.09.045 Expedited Decision*

* **Note:** although this application does not intent to, nor will ask for an expedited decision, if the subject site is qualified, and if such process will be call for upon the City's discretion and initiation, the Applicant/owner will be willing to cooperate with such call and fully cooperate with the City for all proper procedures prescribed in this Metro Code Section. The following responses are given upon these considerations.

A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response: condition met. The required written consents is given and attached to this application.

B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

Response: condition met. The applicant/owner of the subject site is fully aware of and will cooperate with city to follow the requirement of the proper procedure.

C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

- 1. The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;**

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

3. The proposed effective date of the boundary change.

Response: condition met. The applicant/owner of the subject site is fully aware of and will fully cooperate with the City in this regard.

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

- a. Any applicable urban service agreement adopted pursuant to ORS 195.065;**
- b. Any applicable annexation plan adopted pursuant to ORS 195.205;**
- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;**
- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;**
- e. Any applicable comprehensive plan;**
- f. Any applicable concept plan; and**

2. Consider whether the boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;**
- b. Affect the quality and quantity of urban services;**
- c. Eliminate or avoid unnecessary duplication of facilities or services.**

Response: condition met. The Applicant/owner will comply fully with the requirements prescribed in this section, and will fully cooperate with the City in following these considerations.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response: condition met. The subject site lies entirely within the UGB.

Metro Code 3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decision.

- A. The following requirements for hearing on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.**

- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:**
- 1. The extent to which urban services are available to serve the affected territory including any extra territorial extensions of service;**
 - 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and**
 - 3. The proposed effective date of the boundary change.**
- C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.**
- D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsection (D) and (E) of section 3.09.045**

Response: condition met. The application meets all of the relevant and applicable Metro Code requirements, and will cooperate fully with the City's such review.

CDC 105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION *(Required for zone assignment)*

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

- A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:**
- 1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.**
 - 2. The applicable standards of any provision of this code or other applicable implementing ordinance.**

Response: condition met, see below for detailed discussion.

- B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:**

1. **Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.**
2. **Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.**

Response: condition met. The applicant/owner is not aware of any changes in the neighborhood or community, other than a new development to the East of the subject site, i.e., Weatherhill Estate, which also follows the R-7 zone, consistent with the previously developed neighborhood or community to the South of the subject site, and subject site will also ask for a R-7 zone assignment.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

1. **Conformance with the Comprehensive Plan policies and criteria.**
2. **There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.**
3. **The changes will not adversely affect the health, safety and welfare of the community.**

Response: conditions met. The subject site will follow the City's Comprehensive Plan and with no changes of zone or any other items related to the plan requested.

D. Transportation Planning Rule compliance.

1. **Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:
 - a. **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - b. **Change standards implementing a functional classification system; or**
 - c. **As measured at the end of the planning period identified in the adopted transportation system plan:****

- 1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- 2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- 3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Response: condition met. Applicant/owner of the subject site does not propose any zone change in the City's Comprehensive Plan.

2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
- d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

Response: condition met. As stated above, no such amendments asked in this application

3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)

Response: condition met. As stated above, no such amendments asked in this application.

CONCLUSION

In summary, this application, submitted with all requirement attachments, has considered and met all applicable codes and rules for an annexation petition, and followed all required procedures. The applicant/owner is and will be in full compliances with the City's Comprehensive Plan, with no amendments/changes asked. Therefore, the applicant/owner respectfully requests that the City grant this application. In addition, given the facts fully disclosed in this application, and given the applicable rules, codes and Comprehensive Plan fully discussed and complied in this application, we pray that the City will consider the Applicant/Owner's request without an advisory vote for this application.



SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND IN THE NORTH 1/2 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING SITUATED IN LOTS 22 AND 23, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN STATUTORY WARRANTY DEED TO HSIAO CHUN CHIANG RECORDED AS DOCUMENT NUMBER 2017-082194, CLACKAMAS COUNTY DEED RECORDS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

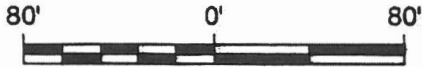
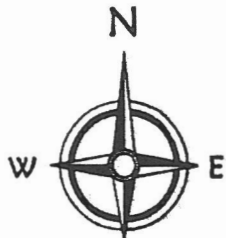
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, "WEATHERHILL ESTATES", A PLAT RECORDED IN BOOK 147, PAGE 009, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE WEST LINE OF SAID "WEATHERHILL ESTATES" SOUTH 01°47'40" WEST 476.53 FEET TO THE SOUTHWEST CORNER OF LOT 6, "WEATHERHILL ESTATES"; THENCE ALONG THE NORTH LINE OF LOT 12, "FLORENDO'S HIDEAWAY", A PLAT RECORDED IN BOOK 124, PAGE 022, CLACKAMAS COUNTY PLAT RECORDS, SOUTH 84°55'10" WEST 35.46 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 12; THENCE ALONG THE NORTH LINE OF "SUNBREAK", A PLAT RECORDED IN BOOK 144, PAGE 019, CLACKAMAS COUNTY PLAT RECORDS, SOUTH 84°58'45" WEST 214.55 FEET TO THE SOUTHWEST CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 22, NORTH 27°54'54" EAST 63.86 FEET TO THE MOST EASTERLY CORNER OF LOT 83, "RIDGE VIEW ESTATES PHASE 2", A PLAT RECORDED IN BOOK 114, PAGE 21, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE EASTERLY LINE OF LOT 83 AND LOT 82, "RIDGE VIEW ESTATES PHASE 2" NORTH 63°03'41" WEST 85.00 FEET TO AN ANGLE POINT IN THE EASTERLY LINE OF SAID LOT 82; THENCE ALONG THE NORTHWESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN PARCEL II OF THE AFOREMENTIONED TRACT OF LAND DESCRIBED IN STATUTORY WARRANTY DEED TO HSIAO CHUN CHIANG RECORDED AS DOCUMENT NUMBER 2017-082194, CLACKAMAS COUNTY DEED RECORDS, NORTH 27°54'54" EAST 500.00 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEATHERHILL ROAD (BLAND CIRCLE); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 63°02'00" EAST 85.00 FEET TO THE POINT OF BEGINNING.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

**OREGON
JULY 14, 1978
DON DEVLAEINCK
1634**

DATE OF SIGNATURE: 1/14/18
EXPIRES 12/31/2019

BASIS OF BEARINGS: SN 2015-064.



Scale: 1" = 80'



POINT OF BEGINNING
NORTHWEST CORNER OF LOT 1,
"WEATHERHILL ESTATES"

NORTHWESTERLY LINE OF
PARCEL II AS DESCRIBED
IN DOC NO. 2017-082194

TAX LOT
401 & 403
2 1E 35B
(DOC. NO.
2017-082194)

TAX LOT 405
2 1E 35B

LOT 23 "BLAND ACRES"
LOT 22 "BLAND ACRES"

TAX LOT 8500
2 1E 35AB
(DOC. 2017-082194)

ANGLE POINT IN
EASTERLY LINE OF
LOT 82, "RIDGE VIEW
ESTATES PHASE 2"

N63°03'41"W
85.00'

THIS PORTION OF TAX
LOT 403 WAS PREVIOUSLY
ANNEXED INTO THE CITY
OF WEST LINN

S84°55'10"W
35.46'

RIDGE VIEW ESTATES PHASE 2

N27°54'54"E
63.86'

S84°58'45"W 214.55'

SOUTHWEST CORNER OF
LOT 22, "BLAND ACRES"

SATTER STREET

SOUTHWEST CORNER OF
LOT 6, "WEATHERHILL
ESTATES"

"WEATHERHILL ESTATES"

"FLORENDO'S HIDEAWAY"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 1/14/18
EXPIRES 12/31/2019

8005 Exh.dwg

ANNEXATION EXHIBIT MAP

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

**NORTH 1/2 OF SECTION 35, T. 2 S., R. 1 E., W.M.
CLACKAMAS COUNTY, OREGON**

CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

KAC 1/22/18



NAME Kevin Clarke
TITLE GIS Cartographer 2
DEPARTMENT A+T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 1/22/18

* "Owner" means the owner of the title to real property or the contract purchaser of real property.

* * * * *

CERTIFICATION OF REGISTERED VOTERS

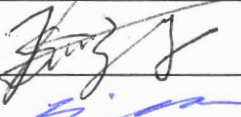


I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.



NAME Rebekah St. Joll
TITLE Deputy Clerk
DEPARTMENT _____
CLACKAMAS COUNTY ASSESSOR'S OFFICE Clerk
DATE 1/29/2018

To the Council of the City of West Linn, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location and give consent to, annexation of said property to the City of West Linn. We understand that the City will review this request in accordance with ORS Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description				Date
		PO	R V	OV		Township/ Section	Map	Tax Lot	Precinct	
	Hsiao Chun Chiang			X	22864 S Weatherhill Road, West Linn, OR 97068	21E	35A, 35B	401,403, 8500	320	01/17/2018
	Li Wei		X		22864 S Weatherhill Road West Linn, OR 97068	21E	35A, 35B	401,403 8500	320	01/29/2018
	Lily Li Wei		X		22864 S Weatherhill Rd. West Linn, OR 97068	21E	35A, 35B	401,403 8500	320	01/29/2018

- PO Property Owner
- RV Registered Voter
- OV Property Owner & Registered Voter

A legal description of the property must be submitted with this petition

Initial A.C. J / L.W. / L.L.W. /

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2S1E35AB + 2S1E35B) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Kevin Clarke
TITLE GIS Cartographer 2
DEPARTMENT A&T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 1/22/18

Exhibit A

PARCEL I: 21E35AB08500 00405127 & 21E35B 00401 00405403

A portion of Lots 22 and 23, BLAND ACRES, in the County of Clackamas and State of Oregon, described as follows:

BEGINNING at the intersection of the Southeasterly line of said Lot 23 and the South right of way line of County Road No. 1637; thence Northwesterly along said right of way line, 70 feet; thence Southeasterly to a point on the Southeasterly line of said Lot 23 that bears Southwesterly 30 feet from the point of beginning; thence Southwesterly along said Southeasterly line to the most Southerly corner of said Lot 23; thence Easterly along the Southerly line of Lot 22, BLAND ACRES, a distance of 250 feet; thence North to the point of beginning.

PARCEL II:

Part of Lot 23, BLAND ACRES, in Section 35, Township 2 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

21E35B 00403 00405421

BEGINNING at the intersection of the Southeasterly line of said Lot 23 and the Southerly right of way line of County Road No. 1637; thence Northwesterly along said Southerly right of way line, 85 feet; thence South 27°57' West 500 feet; thence Southeasterly parallel with the Southerly right of way line of County Road No. 1637, a distance of 85 feet to the Southeasterly line of said Lot 23; thence North 27°57' East, 500 feet to the point of beginning.

EXCEPT THEREFROM that portion of said Lot 23, conveyed to H. Desmond Johnson and wife by deed recorded July 9, 1979 as Recorder's Fee No. 79-29075.

-401 but described as pt. of Parcel I above

PARCEL III:

A portion of Lot 82, RIDGE VIEW ESTATES PHASE 2, in the Northwest one-quarter of Section 35, Township 2 South, Range 1 East of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon, being more particularly described as follows:

21E35B 00493 05002551

COMMENCING at a 5/8 inch iron rod with a plastic yellow cap inscribed "TRILAND INC." at the most Northerly corner of said Lot 82; thence South 31°06'44" East along the Northeasterly line of said Lot 82, a distance of 5.49 feet to a 5/8 inch iron rod with a plastic yellow cap inscribed "W.B. WELLS & ASSOC, INC." and the true point of beginning; thence South 63°11'33" East 74.55 feet along the Easterly line of said Lot 82, also being the Southwesterly line of that tract conveyed to Ronald L. Inberg, et ux, in deed recorded January 9, 1992, as Fee No. 92-01376, Clackamas County Deed Records, to the most Easterly corner of said Lot 82; thence leaving said line, South 63°49'29" West 45.14 feet along the Southeasterly line of said Lot 82 to a 5/8 inch iron rod with a plastic yellow cap inscribed "WRG DESIGN, INC."; thence North 25°55'59" West 59.53 feet to the true point of beginning.

pt. 493

PARCEL IV:

A portion of Lot 83, RIDGE VIEW ESTATES PHASE 2, in the Northwest one-quarter of Section 35, Township 2 South, Range 1 East of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon, being more particularly described as follows:

+remainder 493

COMMENCING at a 5/8 inch iron rod with a plastic yellow cap inscribed "TRILAND INC." at the most Southerly East corner of said Lot 83; thence North 26°10'47" West along the Northeasterly line of said Lot 83, a distance of 19.15 feet to a 3/4 inch iron at an angle point on the Easterly line of said Lot 83 and the true point of beginning; thence North 27°50'34" East 53.86 feet along the Easterly line of said Lot 83, also being the most Southerly West line of that tract conveyed to Ronald L. Inberg, et ux, in deed recorded January 9, 1992 as Fee No. 92-01376, Clackamas County Deed Records, to a 5/8 inch iron rod with a plastic yellow cap inscribed "CENTERLINE CONCEPTS, INC." at the most Easterly corner of said Lot 83; thence North 63°11'33" West 10.54 feet along the common line of said Inberg tract and North line of said Lot 83 to a point; thence leaving said line South 63°49'29" West 45.14 feet along the Northwesterly line of said Lot 83 to a 5/8 inch iron rod with a plastic yellow cap inscribed "WRG DESIGN, INC."; thence South 25°55'59" East 45.93 feet to the true point of beginning.

~~SEE NEXT DEED~~

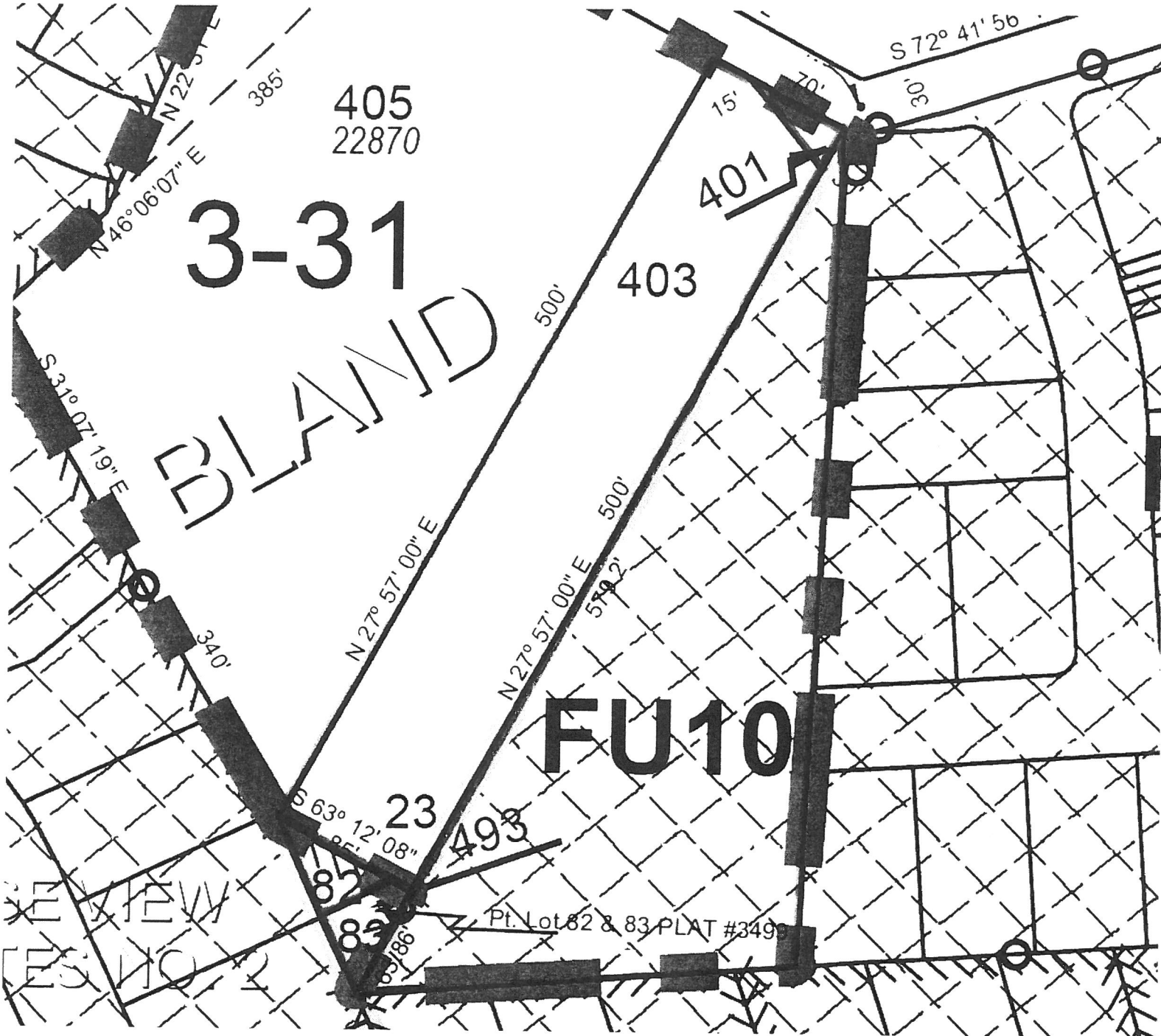


KAC
1/22/18

(2)

6/18/18 City Council
40

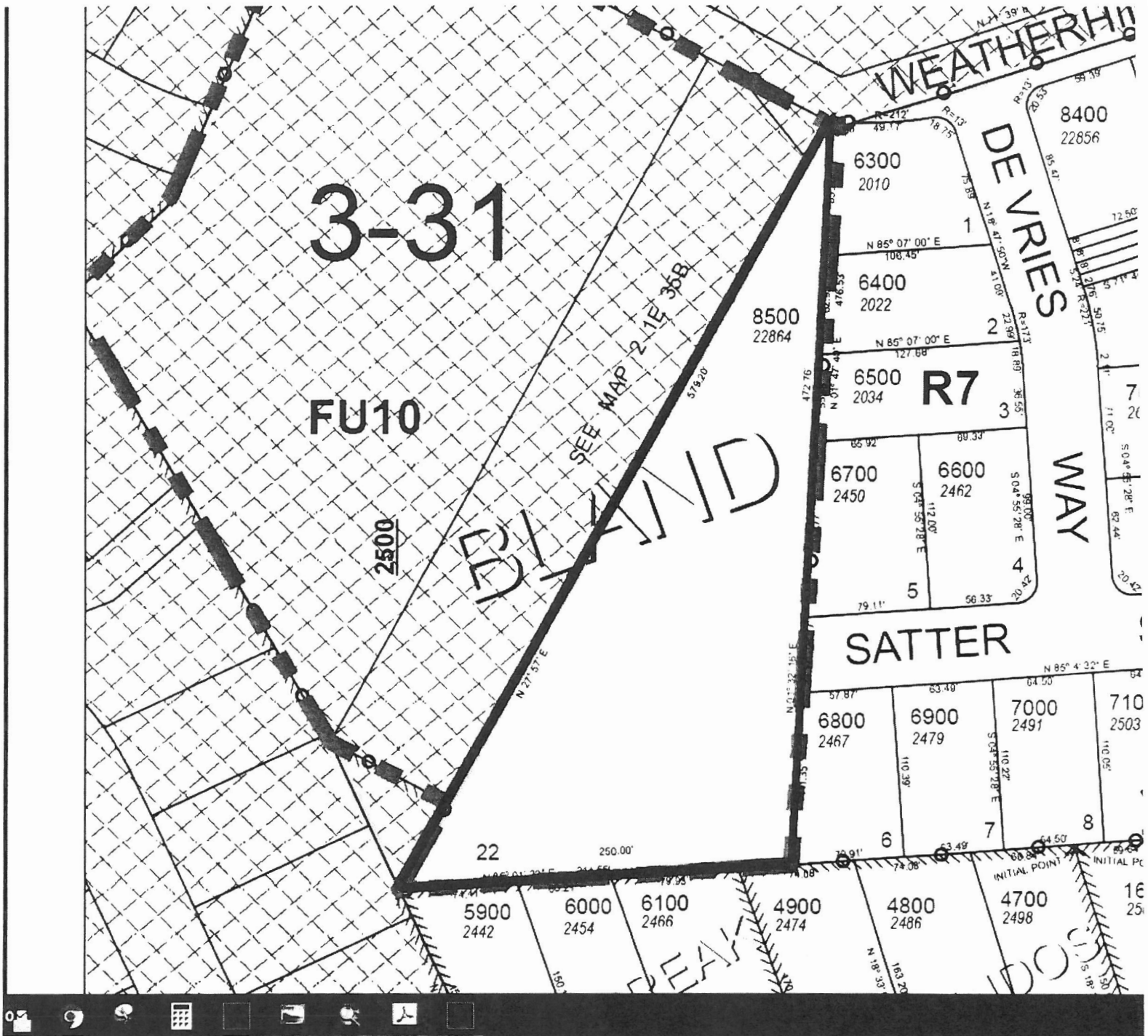
~~MN~~



401 Pt. PCL I
 403 PCL II TL 403, except TL 401
 493 - PCL III + PCL IV

KAC 1/22/18





8500 Pt. Pcl I



KAC

1/22/18